

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TOM NOVACK,

Plaintiff,

VS.

CITY OF WEBSTER, TEXAS, *et al.*,

Defendants.

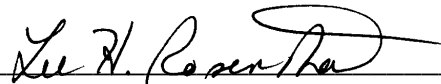
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CIVIL ACTION NO. H-10-2594

ORDER

In response to the defendants' motion to dismiss filed under Rule 12(b)(6) of the Federal Rules of Civil Procedure, (Docket Entry No. 8), the plaintiff filed an amended complaint. The motion to dismiss is denied, without prejudice. It may be reurged, as appropriate, based on the amended complaint.

SIGNED on October 13, 2010, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lee H. Rosenthal', is written over a horizontal line.

Lee H. Rosenthal
United States District Judge